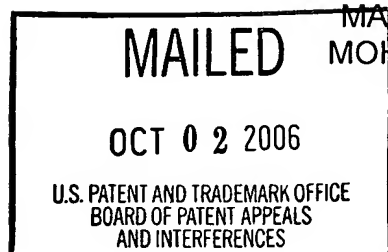


UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte KEVIN S. BARKER, JOHN E. DILLER
MARGARET M. HEDSTROM, CAROL J. PERSCHE
MOHAMAD R. SALAHSHOOR, and JAMES THORPE



Application No. 10/047,312

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 22, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

Information Disclosure Statements (IDSS) were filed February 7, 2005, February 28, 2005, and January 21, 2006. It is not apparent from the record that the examiner properly considered the IDSS submitted nor notified appellants of the submissions did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application No. 10/047,312

Accordingly, it is

ORDERED that the application is returned to the Examiner for

1) consideration of the IDSS, 2) written notification to appellant regarding the result of the examiner's consideration, and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW

Deputy Chief Appeals Administrator
(571) 272-9797

VAN LEEUWEN & VAN LEEUWEN
P.O. BOX 90609
AUSTIN TX 78709-0609